

KEVIN G. HORBATIUK (KGH-4977)  
MATTHEW P. MAZZOLA (MM-7427)  
RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**

---

**WALTER OQUENDO,**

X

**21 MC 102 (AKH)**

**DOCKET NO:  
07 CV 04497**

Plaintiff,

-against-

**100 CHURCH, LLC, 90 CHURCH  
STREET LIMITED PARTNERSHIP,  
ALAN KASMAN DBA KASCO, AMBIENT  
GROUP, INC., ANN TAYLOR STORES  
CORPORATION, BATTERY PARK CITY  
AUTHORITY, BLACKON-MOORING  
STEAMATIC CATASTOPHE, INC., DBA BMS  
CAT, BROOKFIELD FINANCIAL PROPERTIES,  
INC., BROOKFIELD FINANCIAL PROPERTIES,  
LP., BROOKFIELD PARTNERS, LP., BROOKFIELD  
PROPERTIES CORPORATION,  
BROOKFIELD PROPERTIES HOLDING INC.,  
ENVIROTECH CLEAN AIR., GPS ENVIRONMENTAL  
CONSULTANTS, INC., HILLMAN ENVIRONMENTAL  
TECHNOLOGY GROUP, LLC., INDOOR  
ENVIRONMENTAL TECHNOLOGY,  
INC., KASCO RESTORATION SERVICES CO.,  
LAW ENGINEERING, P.C., MERRILL  
LYNCH & CO., NOMURA HOLDING AMERICA, INC.,  
NOMURA SECURITIES INTERNATIONAL, INC.,  
ROYAL AND SUNALLIANCE INSURANCE GROUP,  
PLC., STRUCTURE TONE (UK), INC.,**

**NOTICE OF ADOPTION  
OF ANSWER TO  
MASTER COMPLAINT**

**STRUCTURE TONE GLOBAL SERVICES, INC.,  
TOSCORP., INC., TRC ENGINEERS, INC.,  
WESTON SOLUTIONS, INC., WFP TOWER B CO., G.P.,  
CORP., WFP TOWER B HOLDING CO., LP.,  
WFP TOWER B. CO., L.P., WFP TOWER D CO.,  
G.P., CORP., WFP TOWER D HOLDING CO., II LP.,  
WFP TOWER D HOLDING I G.P. CORP., WFP TOWER  
D. CO., L.P., and ZAR REALTY MANAGEMENT  
CORP., et al.**

**Defendants.**

-----X

**PLEASE TAKE NOTICE,** that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 30, 2008

Kevin G. Horbatiuk

Kevin G. Horbatiuk (KGH4977)

Matthew P. Mazzola (MM7427)

Attorneys for Defendant

**CUNNINGHAM DUCT WORK s/h/i/a  
CUNNINGHAM DUCT CLEANING CO.,  
INC.**

RUSSO, KEANE & TONER, LLP

26 Broadway, 28th Floor

New York, New York 10004

(212) 482-0001

RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**WALTER OQUENDO**  
115 Broadway 12th Floor  
New York, New York 10006  
(212) 267-3700

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 30<sup>th</sup> day of April, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**WALTER OQUENDO**  
115 Broadway 12th Floor  
New York, New York 10006

Kevin G Horbatiuk

**KEVIN G. HORBATIUK**